

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 17762	2. Status Change Date: 8/30/2018	3. Change Num: C1	4. Field Office: 03	5. GMD: 04
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 02-JUL-2018
8a. Applicant(s) New to system <input checked="" type="checkbox"/> Person ID <u>30757</u> Add Seq# <u>1</u> BRIAN G & SHERI L BAALMAN TRUSTS 4998 S ROAD 90 W MENLO KS 67753-5312		8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> Person ID <u>30757</u> Add Seq# <u>1</u> BRIAN G & SHERI L BAALMAN TRUSTS 4998 S ROAD 90 W MENLO KS 67753-5312		8d. WUC New to system <input type="checkbox"/> Person ID <u>30757</u> Add Seq# <u>1</u> BRIAN G & SHERI L BAALMAN TRUSTS 4998 S ROAD 90 W MENLO KS 67753-5312NO CHANGE		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/18</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: <u>NO CHANGE</u> To: _____				
Date Prepared: 08/29/18 By: RAK Date Entered: 9/4/2018 By: LLM				

File No. **17762** 11. County: **SD** Basin: **SOUTH FORK SOLOMON RIVER** Stream: Formation Code: **211** Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
MOD	47315			SWSWSW	3	9	30W	3	130	5216	5YR ALLOCATION	785 GPM	264 AF	785 GPM	264 AF	NO

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. ADD Limitation: **5 YR ALLOCATION** af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type **B3** Start Year **2018** 5 YR Amount **890** Amount Unit **AF** Base Acres **140** Comment **Alloc ID #354**

16. Place of Use				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files				
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼							
MOD	37798			10	9	30W	3		31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25								250.00	8B	NO	NO

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: **DATA ENTRY MAIN ACTION TRAIL ENTRY B31822 5 YR ALLOC-NO ACRE LIMIT 890AF**
SPECIAL CONDITIONS YES 5 YR ALLOCATION

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: August 29, 2018

FROM: Richelle A. Krueger

RE: Water Right
File No. 17,762

Brian Baalman, Trustee, on behalf of Brian G. and Sheri L. Baalman Trusts, water right owners, filed an application for approval to change the authorized place of use under the referenced file, authorized groundwater for irrigation use.

The referenced water right does not appear abandoned as per K.S.A. 82a-718.

The referenced file number is authorized 264 acre-feet of groundwater per calendar year and has no overlaps in the authorized point of diversion or 205-acre place of use located in the North Half (N½) of Section 10, Township 9 South, Range 30 West, Sheridan County, in the South Fork Solomon River Basin. The applicant proposes to add a full pivot in the Northeast Quarter (NE¼) of Section 10, dropping and adding acres for a total of 250 acres to be irrigated in the North Half (N½) of Section 10 pursuant to K.A.R 5-5-11(b)(3) **Necessity to install a more efficient irrigation system; limited quantity.**

- Northwest Kansas Groundwater Management District No. 4 will assume monitoring responsibility.
- Base acres were determined to be 140 acres, so the applicants have proposed a net increase of 110 acres above the "base acres".
- There has been no recent pattern of water use significantly in excess of the maximum annual quantity authorized.
- Limitations: The authorized quantity of water under the referenced water right will be limited to a **five-year fixed allocation of 890 acre-feet:** 1.08'(50% N.I.R. Sheridan County)/.85 x 140 base acres x 5 years= 890 acre-feet.
- Use of water in excess of the five-year allocation shall result in a two-year suspension of all water use under the referenced right and subsequent restriction of the authorized place of use to the reversion acres at the location specifically set forth in the change approval.

The location of the authorized point of diversion will be better described with g.p.s. feet distances.

Nearby water right owners identified on the map or in WRIS within one half-mile of the authorized point of diversion of File No. 17,762 were notified of the proposed change by a letter dated July 26, 2018 in order to comply with K.S.A. 82a 1906.

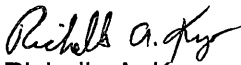
The same local source of supply will not change, previously determined to be Ogallala Formation (211).

In a letter dated August 27, 2018, Ray Luhman, Manager of the Northwest Kansas Groundwater Management District No. 4, recommended the application be approved.

In an e-mail dated August 29, 2018, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated no objection to the approval of the referenced application.

A water flow meter is required. A check valve is required if chemigating.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it has been recommended the referenced application be approved.


Richelle A. Krueger
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

BRIAN G & SHERI L BAALMAN TRUSTS
BRIAN BAALMAN TRUSTEE
4998 S ROAD 90 W
MENLO KS 67753-5312

September 5, 2018 **FILE COPY**

RE: Water Right, File No. 17,762

Dear Mr. Baalman:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

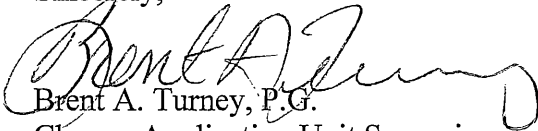
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the installation of the required meter as soon as these actions are completed.

Approval of the application for File No. 17,762 does not allow the diversion of water in excess of the authorized quantity per calendar year or rate of diversion. Your attention should be drawn to the fact that the authorized quantity of water under File No. 17,762 is limited to a fixed allocation, 890 acre-feet during a period of five (5) years in this case, and further limited to the annual authorized quantity of 264 acre-feet in any given year, provided that the five (5)-year fixed allocation is not exceeded. Non-compliance with the terms of this approval will result in substantial penalties.

Since the order for the referenced file number modifies the original document referred to above it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stockton Field Office
Groundwater Management District No. 4

KANSAS DEPARTMENT OF AGRICULTURE
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
 FOR
 CHANGE IN PLACE OF USE
 AND ORDER BETTER DESCRIBING THE LOCATION OF THE
 AUTHORIZED POINT OF DIVERSION
 WATER RIGHT
 FILE NO. 17,762**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Brian Baalman, Trustee, on behalf of Brian G. and Sheri L. Baalman Trusts, 4998 South Road 90 West, Menlo, Kansas 67753, received in this office on July 2, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated February 6, 1991, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10	9S	30W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25									250.00

a total of 250.00 acres in Township 9 South, Range 30 West, Sheridan County, Kansas, located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion is more accurately described as:

one(1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼ SW¼) of Section 3, more particularly described as being near a point 130 feet North and 5,216 feet West of the Southeast corner of said section, in Township 9 South, Range 30 West, Sheridan County, Kansas.

By this order, this water right is subject to the following conditions:

- That the quantity of water authorized under Water Right, File No. 17,762 shall not exceed 890 acre-feet per five (5)-year period; the first period being calendar years 2018 through 2022, ad infinitum.
- That the quantity of water authorized under Water Right, File No. 17,762 shall not exceed 264 acre-feet per calendar year, provided that 890 acre-feet per five (5)-year period is not exceeded.

3. That use of water in excess of 890 acre-feet per five (5)-year period shall result in a two (2)-year suspension of all water use under this water right, effective the next two (2) calendar years, and a subsequent restriction of the authorized place of use to the following described property:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10	9S	30W					31.25	31.25	31.25	31.25									125.00

a total of 125.00 acres in Township 9 South, Range 30 West, Sheridan County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

4. That if Northwest Kansas Groundwater Management District No. 4 and/or the Division of Water Resources terminate(s) their/its Memorandum of Understanding (MOU) pertaining to K.A.R. 5-5-11(b)(3), (4) and (5), by which the District assumes monitoring responsibility, then the place of use authorized by this change approval, which was issued by the Division pursuant to the MOU shall revert to the property described in paragraph no. 3, above, starting the calendar year following the year of termination.

All diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 17,762, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 27, 1985, as modified and amended by the aforementioned order.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

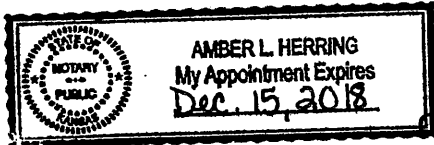
Ordered this 30th day of August, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 30th day of August, 2018, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Amber L. Herring

Notary Public

CERTIFICATE OF SERVICE

On this 5th day of September, 2018, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 17,762, dated Aug. 30, 2018 was mailed postage prepaid, first class, US mail to the following:

BRIAN G & SHERI L BAALMAN TRUSTS
ATTN BRIAN BAALMAN TRUSTEE
4998 S ROAD 90 W
MENLO KS 67753-5312

With photocopies sent to:

Stockton Field Office
Groundwater Management District No. 4

Danille Wilson

Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

Water Resources
Received

JUL 02 2018

1:32
KS Dept Of Agriculture

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

File No. 17762

2. Name of applicant: BRIAN G & SHERI L BAALMAN TRUSTS

Address: 4998 S ROAD 90 W

City, State and Zip: MENLO, KS 67753

Phone Number: (785)675-8770

E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: SAME

Address: _____

City, State and Zip: _____

Phone Number: () _____

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): TO ADD FULL PIVOT ON NE

The change(s) will be completed by 4/1/18

(Date)

For Office Use Only:		F.O. <u>3</u> GMD <u>4</u> Meets K.A.R. 5-5-1 (YES/NO) Use <u>TRP</u> Source <u>(G)S</u> County <u>SD</u> By <u>ADW</u> Date <u>7/2/18</u>	
Code <u>GPU</u>	Fee \$ <u>000</u>	TR # _____	Receipt Date <u>7/2/18</u> Check # <u>4207</u>

APPLICATION COMPLETE
8/27/18
RAK

4. The presently authorized place of use is:

Owner of Land — NAME: BRIAN G & SHERI L BAALMAN TRUSTS

ADDRESS: 4998 S ROAD 90 W MENLO, KS 67753

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10	9	30		31.25	31.25		40	31.25	31.25	40									205

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: BRIAN G & SHERI L BAALMAN TRUSTS

ADDRESS: 4998 S ROAD 90 W MENLO, KS 67753

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10	9	30	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25									250

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for IRR purposes.
It is proposed that the use be changed to NO CHANGE purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
KAR 5-5-11. BASE ACRES = 140. 140 X 1.08 / .85 = 178 AF x 5 = 890 AF*
PERIOD SHOULD BE 2018 THROUGH 2022. ETC. REVERSION ACRES SHOULD BE A PIVOT CENTERED ON THE NW.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (____ c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
 - b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

CHANGE PL/USE ONLY. NO IMPAIRMENT WILL OCCUR.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

ALL REGS ARE MET.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* per KAR 5-5-11 b(3) calculation

* Nak/awn 7/26/18

6. The presently authorized point(s) of diversion is ONE WELL

(Provide description and number of points)

7. The proposed point(s) of diversion is ONE WELL

(Provide description and number of points)

List all presently authorized point(s) of diversion:

* 8. **Presently authorized point of diversion:** *80' N 5200' W Authorized Feet Distances per WATS*

One in the SW Quarter of the SW Quarter of the SW Quarter of Section 3, Township 9 South, Range 30 W, in SHERIDAN County, Kansas, 130 feet North 5216 feet West of Southeast corner of section. Authorized Rate 785 GPM Authorized Quantity 264 AF

(DWR use only: Computer ID No. 3 GPS 130 feet North 5216 feet West)

This point will not be changed This point will be changed as follows: *PO will be better described*

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____

This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____

(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____

This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____

(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____

This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used.

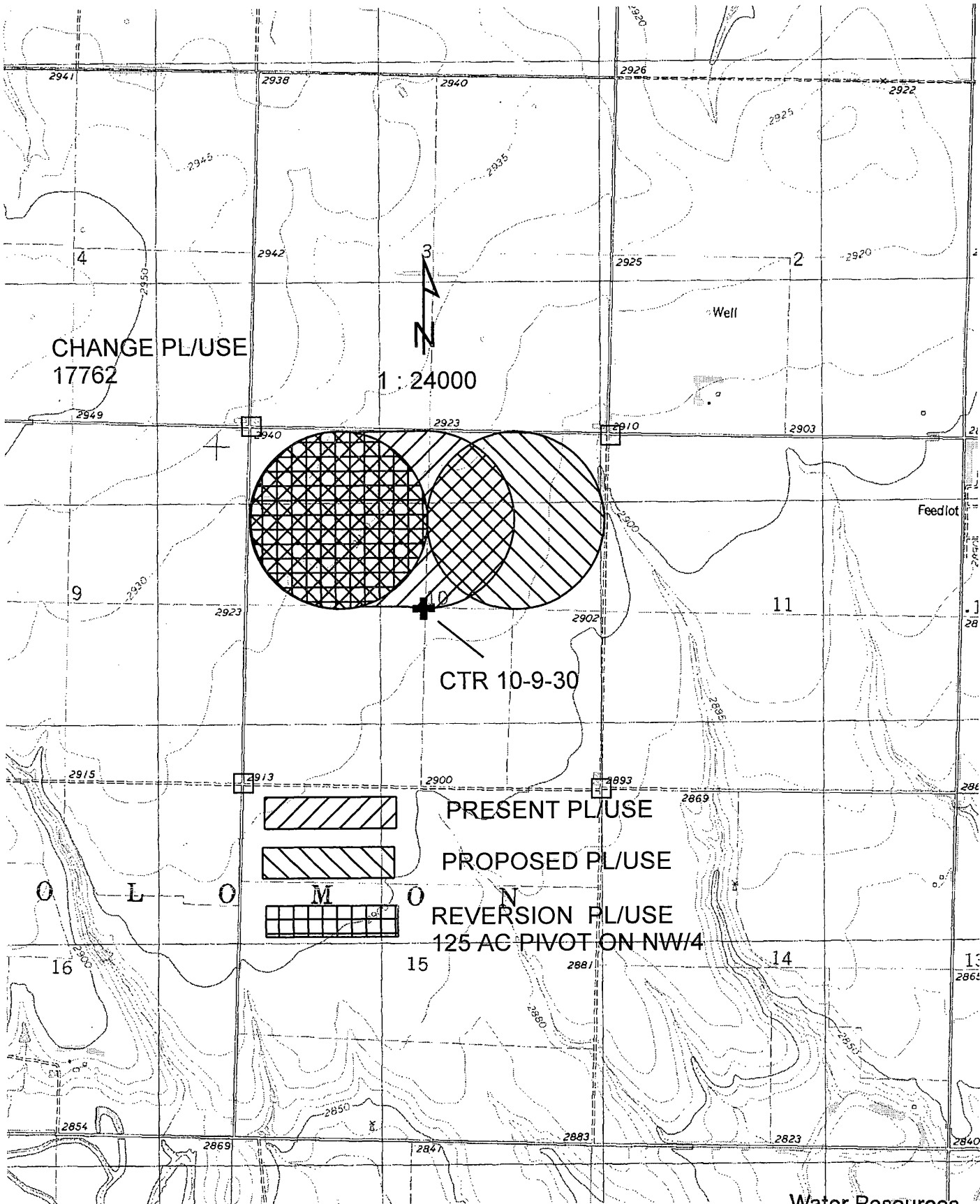
Water Resources Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* pickdown 7/26/18

JUL 02 2018

SCANNED KS Dept Of Agriculture



CHANGE PL/USE
17762

1 : 24000

CTR 10-9-30

PRESENT PL/USE

PROPOSED PL/USE

REVERSION PL/USE
125 AC PIVOT ON NW/4

Water Resources
Received

JUL 02 2018

SCANNED by Dept Of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Colby, Kansas, this 22 day of June, 2018.

Brian Baalman Trustee
(Owner)

(Spouse)

Brian Baalman trustee
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Thomas } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22 day of June, 2018.

Shannon L. Kenyon
Notary Public

My Commission Expires August 11, 2020

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

Water Resources
Received
JUL 02 2018
SCANNED
KS Dept Of Agriculture

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Wednesday, August 29, 2018 7:46 AM
To: Krueger, Richelle [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Rebecca [KDA]
Subject: RE: Request for Recommendation Change in PU File No. 17762 Brian and Sheri Baalman Trusts

Richelle,

I have no objection to the approval of this change application.

Kelly

From: Krueger, Richelle [KDA]
Sent: Tuesday, August 28, 2018 4:46 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Request for Recommendation Change in PU File No. 17762 Brian and Sheri Baalman Trusts

Hi Kelly,
Attached is a draft memo for the referenced change in pu, do you recommend approval ?

Thanks

Richelle

Krueger, Richelle [KDA]

From: Jody McCain <jmccain@gmd4.org>
Sent: Monday, August 27, 2018 5:16 PM
To: Krueger, Richelle [KDA]
Subject: Recommendation for WR #17,762
Attachments: 20180827173723258.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Richelle,

I have attached a copy of Ray's recommendation on WR #17,762, with the signed 5-5-11 agreement, and a copy of the Resource Development Plan.

Jody McCain
NW KS Groundwater
Management District No 4
P O Box 905 – 1290 West Fourth
Colby KS 67701
785-462-3915
jmccain@gmd4.org

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**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

August 27, 2018

Richelle Krueger
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

RE: Application 17,762
Brian Baalman

Dear Richelle,

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendation be made to the Chief Engineer:
If you have any questions, please contact this office.

Approve application. Resource Development Plan attached.

Sincerely,

Ray Luhman
Manager

RPL: jem

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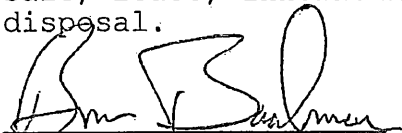
KS DEPT OF AGRICULTURE

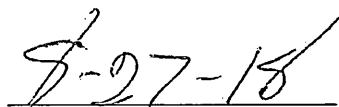
SCANNED

Water Right File Number: 17762
Base Acreage: 140 Acres
Annual Allocation: 264 Acre-Feet
5 Year Allocation: 890 Acre-Feet

Pursuant to KAR 5-5-11, I understand that the above referenced water right will be subject to the following restrictions and that the landowner assumes the following responsibilities upon approval of the change in place of use that I have filed.

1. I understand that all wells covered by the above referenced water right will be required to have flow meters properly installed.
2. I understand that the above referenced water right will be limited to a maximum 5 year total quantity of 890 acre-feet.
3. I understand that the approval of this change does not allow me to pump more than my annual allocation in any one calendar year.
4. I understand that if more than 890 acre-feet is diverted in each successive 5 year block period the right to divert water under the above referenced water right will be totally suspended for a period of two years.
5. I understand that if more than 890 acre-feet is diverted in each successive 5 year block period the total authorized place of use for the above referenced water right will be reduced to a total not to exceed the base acreage.
6. I understand that GMD 4 personnel will conduct at least one field compliance check each year to verify that the flow meter is operating, to record the amount of water that has been pumped, and to compare the amount pumped to both the authorized annual amount and the 5 year allocation. GMD 4 will report their findings to the landowner and to the Division of Water Resources.
7. I understand that these restrictions and responsibilities will be permanent and will continue to apply to the water right referenced above unless changes that alter the restrictions and responsibilities are approved by DWR. These restrictions and responsibilities will also continue to apply to the right upon sale, lease, inheritance, or any other mode of transfer or disposal.


SIGNATURE


DATE

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LEGAL (OPT)	NE 10-9-30 17762
PIVOT LENGTH (REQD)	1316.5
ROTATION DEGREES (REQD)	360
GPM (REQD)	350
NOZZLE SPACING IN FT (OPT)	6.6666
RESIDUE IN LBS/ACR (REQD)	4000
ACRES OF CLASS VI SOIL IN GRASS, ALFALFA, ETC.	0

CROPS ANY IRRIGABLE CROPS MAY
BE PRODUCED

ADDED PROVISIONS/NOTES NONE

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CALCULATIONS FOR AVERAGE FIELD SLOPE

ACRES IN FIELD:

124.9982

MAP UNIT NUMBER	SOIL TYPE	AVERAGE SLOPE	ACRES OF THE SOIL TYPE	WEIGHTED AVERAGE
1620	Keith silt loam, 1 to 3 percent slopes	2 +	125 +	2.00003
0	+	0 +	+	0
0	+	0 +	+	0
0	+	0 +	+	0
0	+	0 +	+	0
0	+	0 +	+	0
0	+	0 +	+	0
0	+	0 +	+	0
0	+	0 +	+	0

AVERAGE WEIGHTED FIELD SLOPE:

2.00 %

ENTER CLASS VI ACRES HERE:
 ENTER STEEPEST SLOPE IF CLASS VI:
 WEIGHTED AVERAGE FIELD SLOPE:
 PER CENT CLASS VI SOIL
 DESIGN SLOPE FOR CENTER PIVOT:

ACRES
 %
 2.000029 %
 0 %
 2.000029 %

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DESIGN GROUP 5

design slope	2.000029 %	3	1	4.2
residue	4000 lbs/acre	4000	3	2.5
			5	1.5
max all. Appl. Rate	3 in/hr		7	1.1

900	0.85
1000	0.9
1500	0.95
2000	1
2500	1.05
3000	1.1
3500	1.15
4000	1.2
4500	1.25

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CALCULATED

MAX ALLOW APPL RATE	PIVOT LENGTH	GPM:WTD DIA	GPM	WTD DIA
3	1316.5	20.52	350.00	17.06

GPM = 350

APPL RT= 3.00

RADIUS	GPM	NZL SPCNG	GPM/AC
1316.5	350	6.6666	2.80

350.08 =SUM NZL GPM
3.54 =GPM END NZL

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STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

GARY & JANICE M BAALMAN LP July 26, 2018
4998 S ROAD 90 W
REXFORD KS 67753-5312

FILE COPY

RE: Water Right, File No. 17,762

Dear Sir or Madam:

This is to advise you that Brian G. and Sheri L. Baalman Trusts have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use for the above referenced file number. Based upon K.S.A. 82a-1906, you are being notified of the above referenced application for change. You can find the application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Groundwater Management District No. 4

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STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 S.W. JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

NORTHWEST KANSAS GROUNDWATER July 26, 2018
MANAGEMENT DISTRICT NO 4
ATTN RAY LUHMAN
PO BOX 905
COLBY KS 67701-0905

FILE COPY

RE: Water Right, File No. 17,762


Dear Mr. Luhman:

We are enclosing a copy of the application to change the place of use under Water Right, File No. 17,762. It appears File No. 17,762 still needs a signed monitoring agreement.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

BRIAN G & SHERI L BAALMAN, TRUSTS
4998 S ROAD 90 W
MENLO, KS 67753

July 3, 2018

RE: File No 17762

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STOCKTON Field Office GMD4

SCANNED



1620

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